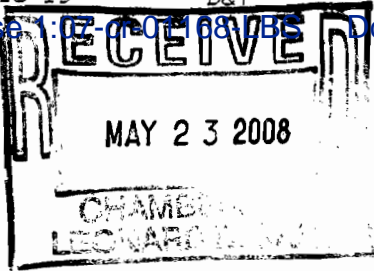


MEMO ENDORSED



U.S. Department of Justice

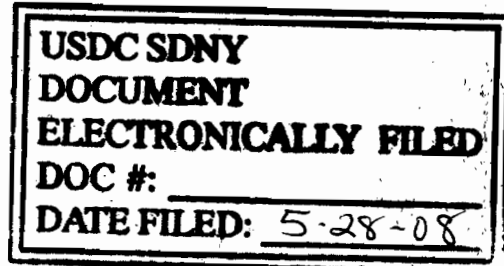
United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

May 23, 2008

BY HAND

The Honorable Leonard B. Sand  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007



Re: United States v. Franklin Payano, 07 Cr. 1168 (LBS)

Dear Judge Sand:

A change of plea hearing is scheduled in the above-referenced case before Your Honor for Tuesday, May 27<sup>th</sup>, at 2:15 p.m. Defense counsel has informed the Government that it would like additional time to prepare the Defendant for that change of plea. Accordingly, the parties request that the plea be adjourned until Thursday the 29<sup>th</sup> or Friday the 30<sup>th</sup>, at any time convenient to the Court. If Your Honor grants this request, the Government then respectfully requests, with defense counsel's consent, that time be excluded under the Speedy Trial Act from the date of this letter until the date Your Honor reschedules the plea, so that defense counsel can adequately prepare his client.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By: Parvin Moyne  
Parvin Moyne  
Assistant U.S. Attorney  
(212) 637-2510

cc : Mark Cohen, Esq.  
Attorney for Defendant

MEMO ENDORSED

5/27/08

Request  
granted  
Sourced  
ASand

05/28/08  
TOTAL P.01